



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 2, 2016

Mr. Mike Thomas, Chief
Conservation Planning Division
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825

Subject: Draft Environmental Impact Statement for the Butte Regional Conservation Plan, Butte County, California (CEQ # 20150333)

Dear Mr. Thomas:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement for the Butte Regional Conservation Plan (BRCP or Plan) pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The EPA commends the U.S. Fish and Wildlife Service (FWS) and its federal, state, and local partners on the preparation and release of the draft BRCP. We strongly support many of the core components of the Plan, including measures designed to avoid or further minimize direct and indirect impacts on wetlands, streams, and other waters; the commitment to adaptive management and monitoring activities; and the implementation of landscape-scale mitigation to address anticipated impacts to the 38 covered species.

Based on our review of the DEIS, we have rated the Proposed Action (Alternative 2) and the document as Lack of Objections – Adequate (LO-1) (see the enclosed “Summary of EPA Rating Definitions”). In particular, we support Alternative 2’s inclusion of a BRCP provision that would require the identification of wetlands and waters within permanent development project footprints through the completion of a wetland delineation. We are pleased to note the conservation measures that would be included in the Plan, including restoration of 626 acres of wetlands and 189 acres of riparian habitat, and the establishment of permanent habitat buffers along stream and riparian corridors within permanent development projects.

The EPA also supports Alternative 3 (Reduced Development/Reduced Fill) and Alternative 4 (Greater Conservation), the other conservation-focused action alternatives. The DEIS describes these alternatives as having conservation strategies similar to the Proposed Action, with the main differences being that Alternative 3 would include a reduced permit term, reduced fill to waters of the United States, and the reduced development alternatives identified in the general plan EIRs for several of the participating local jurisdictions; and Alternative 4 would increase conservation of grasslands and rice lands to provide additional habitat to meet the requirements of certain covered species. Regardless of the action alternative (or combination of alternatives) that is selected, we recommend that the aforementioned

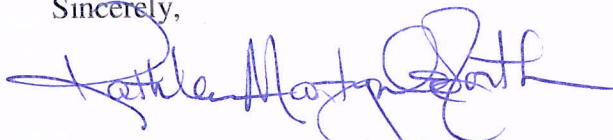
BRCP provision requiring the completion of a wetland delineation for all permanent development projects be utilized to reduce fill to waters of the U.S. to the greatest possible extent.

On December 18, 2014, the Council on Environmental Quality released revised draft guidance that describes how Federal departments and agencies should consider the effects of greenhouse gas emissions and climate change in their NEPA reviews. The revised draft guidance supersedes the draft guidance released by CEQ in February 2010, which is referenced on page 5-5 of the DEIS. We recommend that the FEIS reference the 2014 revised draft guidance to help provide a framework for analysis of these issues.

The EPA recommends that the Final EIS include, in the "Affected Environment" section, a summary discussion of climate change and ongoing and reasonably foreseeable climate change impacts relevant to the project, based on U.S. Global Change Research Program assessments. Because the proposed period of incidental take coverage (50 years) will likely be a time of considerable change in the planning area, we recommend that the FWS develop a robust monitoring and adaptive management plan to account for, mitigate, and adapt to the effects of climate change on the covered species (and the habitats that sustain these populations) throughout the period of Incidental Take Permit coverage.

We appreciate the opportunity to review this DEIS, and are available to discuss our comments. When the FEIS is released for public review, please send one hard copy and one CD to the address above (mail code: ENF-4-2). If you have any questions, please contact me at 415-972-3521, or Jason Gerdes, the lead reviewer for this project. Mr. Gerdes can be reached at 415-947-4221 or gerdes.jason@epa.gov.

Sincerely,



Kathleen Martyn Goforth, Manager
Environmental Review Section

Enclosure: Summary of EPA Rating Definitions

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment

